IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1824 of 1995

Between:

1 Kosangi Ramamurthy S/o.Karuvulu
GVV Kendram Tatimanuguda Village, Bhamini Mandal
Srikakulam Dist.
2 Kaviti Simhachalam S/o.Appanna
GVV Kendram, Kisarajodu Village Seethampeta Mandal,

Srikakulam Dist.
3 S.Mallesh S/o.Asiranna
GVV Kendram,Uvvajola, Hiramandalam Srikakulam Dist.
4 Peddinti Jeevanrao S/o.Appanna
Tribal Welfare Ashram School Marriguda, Hiramandalam,

Srikakulam Dist.
5 Dasupuram Nagaiah S/o..Eyendu
Tribal Welfare Ashram School Marriguda, Hiramandalam,

Srikakulam Dist.
6 Janni Gavaradora S/o.Somandora
GVV, Kendram , Naradiguda , Hiramandalam srikakulam Dist
7 Peddinti Simhachalam S/o.Polaiah
GVV.Kendram , Neradiguda , Hirammandalam Srikulam Dist
8 K.Nagaiah S/o.Naraiah
GVV.Kendram , Bambaduguda ,Seethampeta Mandal Srikulam Dist
9 Metturu Papa rao S/o. Thoudu
GVV.Kendram ,Rukmini Guda,Seethampeta Mandal Srikulam Dist
10 K.Neelaiah s/o.Jangam
GVV.Kendram ,Chintada,Seethampeta Mandal Srikulam Dist
11 Vadankula Vasanthu S/o.Chandraiah
GVV.Kendram ,bellamada,Seethampeta Mandal Srikulam Dist
12 Nimmata Sampatha Rao S/o. Rama Murthy
GVV.Kendram ,Bandra gudaSeethampeta Mandal Srikulam Dist
13 Sagaram Umamaheswara Rao S/o. Appanna
GVV.Kendram , dettymarriguda Hiramandalam
Srikakulam Dist
14 Bommali Rama Rao S/o.Polaiah

GVV.Kendram , kurmavalasa Hiramandalam
Srikakulam Dist

15 Kudangi Malleswara Rao S/o. bahupani
GVV.Kendram , Pakkududadrarsa Hiramandalam
Srikakulam Dist

16 Pothaka Malleswara Rao S/o. Bikari
GVV.Kendram , Muligoda Bhamini mandal
Srikakulam Dist

17 Nimmaka Venkata Ramarao S/o.Pentamdora
GVV.Kendram, Pedduru Veeragattam Mandal
Srikakulam Dist

18 Kottugummadi Anandu S/o.Appanna
GVV.Kendram, Savaradimmidijola Bhamini Mandal
Srikakulam Dist

..... PETITIONERS

AND

1 The Project Officer, Integrated Tribal Development

Agency, Seethampeta, Srikakulam Dist.

2 The Commissioner of Tribal Welfare, Tribal Welfare Department,

Govt. of Andhra Pradesh, Masab Tank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent no.1 in recovering the amounts paid on periodical increments by proceedings in RC No.1114/93-F dt.14/9/1994 in pursuance of the letter of the 2nd respondent in DO: RC No:D3/10078/93 dt.25/2/1994 without notice is illegal, arbitrary and violative of article 14, 16 and 21 of the Constitution of India apart from violation of natural justice and further declare that the petitioners are entitled to the increments that are already sanctioned and being enjoyed by the petitioners.

Counsel for the Petitioners: MR.M.VIJAY KUMAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

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ORDER:

The writ petition is filed seeking writ of Mandamus, to declare the action of the first respondent in seeking to recover some amount, paid to them on account of increments, by proceedings Rc.No.1114/93-F dated 14.09.1994, in pursuance of the circular of the second respondent issued in proceedings DO.Rc.No.D3/10078/93 dated 25.02.1994, without giving opportunity and notice, as illegal and arbitrary.

The petitioners are teachers working in various schools run by Integrated Tribal Development Agency. It is stated in the affidavit, filed in support of the writ petition, that they are appointed in single teacher schools, which were established to improve the conditions of the tribals, in notified agency areas. Further, it is the case of the petitioners that they were paid periodical increments as per their entitlement, but all of a sudden the first respondent issued proceedings dated 14.09.1994, to recovery the said increments without issuing any prior notice and opportunity.

Though the writ petition is of the year 1995, no counter-affidavit is filed on behalf of the respondents. It is the specific case of the petitioners that whatever increments were earlier paid to them, they were entitled to the same. It is also specifically pleaded in the affidavit that in pursuance of the circular dated 25.02.1994 issued by the first respondent proceedings for recovery are initiated and they were not issued any prior notice before issuing such instructions.

In view of the averments in the writ petition, that the petitioners were not given any opportunity and notice before ordering to recover the increments, which were already paid to them, and inasmuch as no counter-affidavit is filed disputing the averments of the writ petitioners, I deem it appropriate to dispose of the writ petition directing the respondents not to recover any increments, which were already paid to the petitioners, without giving any opportunity to them. If any increments or any other amounts are wrongly paid to the petitioners, and if in similar cases recoveries were already effected, the respondents are directed to give notice and opportunity to the petitioners before effecting any recoveries from their salaries.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____ R.SUBHASH REDDY, J

08.12.2004

DR

To

1 The Project Officer, Integrated Tribal Development

Agency, Seethampeta, Srikakulam Dist.

2 The Commissioner of Tribal Welfare, Tribal Welfare Department,

Govt. of Andhra Pradesh, Masab Tank, Hyderabad.

3 2CCs to Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)

4 2CD copies.